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Attorneys for Defendants
COUNTY OF SAN BENITO and SHERIFF
CURTIS HILL

E-FILING

FILED

NOV 16 2007

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

8 IN THE UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

11 PAUL CASAREZ,

12 Plaintiff,

13 vs.

14 COUNTY OF SAN BENITO AND
15 SHERIFF CURTIS HILL,

16 Defendants.

Case No. C04-03658 HRL

CONSENT DECREE

17 **I. INTRODUCTION**

18 Plaintiff PAUL CASAREZ was arrested and subsequently housed at the San Benito
19 County Jail between October 4 and October 15, 2002. He then plea bargained his
20 criminal case and began serving his criminal sentence on June 23, 2003. After an alleged
21 fall on June 28, 2003, jail officials released Mr. Casarez so that he could get medical
22 attention. Mr. Casarez returned to complete his sentence on September 9, 2003 and was
23 released seven days later on September 16, 2003.

24 In connection with his stays at the San Benito County Jail in 2002 and 2003, plaintiff
25 Paul Casarez sued defendants County of San Benito and Sheriff Curtis Hill alleging
26 violations of his civil rights under 42 USC section 1983 (Eighth Amendment deliberate
27 indifference), an ADA violation arising out of the disabled person's shower and claims
28 under Civil Code section 51 under the Unruh Act alleging discrimination on the basis of his

1 disability. During the course of the litigation, plaintiff dismissed his federal civil rights
2 claims and pendant state Civil Code section 51 claim. Plaintiff amended his ADA Title II
3 claim to request compensatory damages.

4 On January 25, 2006 a Settlement Conference was held before Magistrate Patricia
5 V. Trumbull. At that time, the parties entered into a settlement. This Consent Decree is a
6 result of those discussions.

7 NOW, THEREFORE, THE PARTIES TO THIS CONSENT DECREE AGREE AND
8 THE COURT HEREBY FINDS, ORDERS, ADJUDGES, AND DECREES AS FOLLOWS:

9 **JURISDICTION**

10 The court has jurisdiction over the parties hereto and the claims asserted in plaintiff's
11 complaints on file with the court.

12 **VENUE**

13 Venue is proper in this judicial district.

14 The court shall retain jurisdiction over the parties and the subject matter of this
15 litigation in order to implement the terms and provisions of this Consent Decree.

16 **PARTIES BOUND**

17 The obligations of this Consent Decree apply to and are binding upon plaintiff and
18 defendants, including, but not limited, to, their constituent entities, current or future officers
19 or board members, agents, and employee representatives.

20 Each of the authorized representatives of plaintiff and defendants certify that he or
21 she is fully authorized by the party to enter into this Consent Decree, including all of the
22 terms and conditions, to legally execute and bind the parties to this Consent Decree, and
23 to execute this Consent Decree on behalf of the parties.

24 **EFFECTIVE DATE OF CONSENT DECREE**

25 This Consent Decree shall be deemed effective as of this date on which it is entered
26 by the court.

27 **DISABLED PERSON'S SHOWER AT SAN BENITO COUNTY JAIL**

28 Defendants agree to bring the disabled person's shower at the San Benito County
Jail into ADA compliance at the time it was constructed and as follows:

1. Defendant to install non-skid strips on the surface of the floor of the shower to improve its coefficient of friction;
2. Defendant to replace the shower seat so that it is ADA compliant;
3. Defendant to replace all grab bars so it is ADA compliant;
4. Defendant to replace the shower head with a hand held shower head which is to be offered to all disabled persons.

Further, defendants are to provide interactive training to all correctional officers on staff on how to better communicate with disabled persons and address their particular needs. Interactive training to be provided every three years to all correctional officers and staff. New hires to be given an immediate in-house training session.

NOTICES AND/OR COMMUNICATION

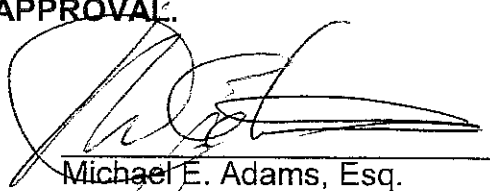
Any notice or communication between plaintiff and defendants arising out of or related to matters addressed in this Consent Decree shall be given or communicated to all parties to this Consent Decree by addressing the notice or communication as follows:

For plaintiff: Michael E. Adams, Esq., Law Offices of Michael E. Adams, 702 Marshall Street, Suite 300, Redwood City, CA 94063; telephone number (650) 599-9463.

For defendants: County of San Benito, Office of the County Counsel, 481 Fourth Street, 2nd Floor, Hollister, CA 95023; telephone number: (831) 636-4040.

**THE UNDERSIGNED PARTIES ENTER INTO THIS CONSENT DECREE AND
SUBMIT IT TO THE COURT FOR ITS APPROVAL.**

Dated: 8-15-07



Michael E. Adams, Esq.
Attorney for Plaintiff

Dated: 08/29/07


Sheriff Curtis Hill - Defendant

RANKIN, LANDSNESS, LAHDE,
SERVERIAN & STOCK

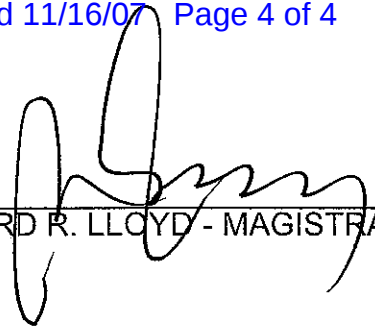
Dated: 8/20/07


Michael C. Serverian
Attorney for Defendants

Dated: _____

11/16/07

HOWARD R. LLOYD - MAGISTRATE



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